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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,844	05/31/2005	Tibor Novosad	NL 021315	6226

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EXAMINER

DIGIOVANNI, MICHAEL J

ART UNIT	PAPER NUMBER
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2461

MAIL DATE	DELIVERY MODE
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12/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/536,844	Applicant(s) NOVOSAD, TIBOR	
	Examiner MICHAEL J. DIGIOVANNI	Art Unit 2461	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 is/are allowed.
- 6) ☒ Claim(s) 6-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments filed 14 August 2009 have been fully considered.

Regarding 35 U.S.C. 101 rejection of claims 1-4, Applicant's amendments are sufficient to overcome the rejection.

Regarding Applicant's arguments to 35 U.S.C. 101 rejection of claim 5, Examiner agrees. 35 U.S.C. 101 rejection of claim 5 has been withdrawn.

Regarding Applicant's arguments to 35 U.S.C. 101 rejections of claims 6-9, Examiner disagrees. Applicant argues that because the signals are present on physical media, that they are statutory. Examiner argues that it is still the data carrier or signal that is being claimed, and therefore the claims contain non-statutory subject matter. Examiner suggests claiming the storage medium on which the signals are located to traverse these rejections.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 6-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed toward a signal, which is not a process, machine, manufacture, or composition of matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes (US 2001/0038746) in view of Sawabe (US 5,966,352).

Regarding claim 10, Hughes discloses a device for reading a signal comprising original program units (fig. 5 base layer decoded in item 304) and enhancement program units (fig. 5 enhancement layer decoded in item 306) associated with said original program units, and for processing said original program units together with the associated enhancement program units for the purpose of rendering an enhanced content (fig. 5, decoding and combining module 308). Hughes also discloses where the enhancement data and base data can be stored as alternate angles (par. 34). Hughes does not disclose said original program units each comprising a pointer pointing to the enhancement program unit it is associated with, said device being designed for retrieving the enhancement program unit associated with an original program unit via said pointer.

Sawabe discloses a system for encoding multiple camera angles where the angles have pointers to each other (fig. 18a and col. 24 lines 33-41 where the target address is equivalent to a pointer to enhancement data). Therefore it would have been

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obvious to one of ordinary skill in the art at the time of the invention to encode the base and enhancement data of Hughes with the pointers of Sawabe in order to allow the reading device to find the enhancement data.

Regarding claim 11, Hughes discloses a device for reading a signal comprising contiguous program units (fig. 5 base layer decoded in item 304) containing a program stream and interleaved program units containing interleaved program streams (fig. 5 enhancement layer decoded in item 306, where par. 30 describes that they can be interleaved), said program streams being readable independently of one another, any occurrence of consecutive interleaved program units in said signal being forbidden, program units containing original program units and enhancement program units associated with said original program units, and for processing said original program units together with the associated enhancement program units for the purpose of rendering an enhanced content (fig. 5, decoding and combining module 308). Hughes does not disclose said original program units each comprising a pointer pointing to the enhancement program unit it is associated with, said device being designed for retrieving the enhancement program unit associated with an original program unit via said pointer.

Sawabe discloses a system for encoding multiple camera angles where the angles have pointers to each other (fig. 18a and col. 24 lines 33-41 where the target address is equivalent to a pointer to enhancement data). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to encode the base

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and enhancement data of Hughes with the pointers of Sawabe in order to allow the reading device to find the enhancement data.

Allowable Subject Matter

Claims 1-5 are allowed.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL J. DIGIOVANNI whose telephone number is

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(571)270-7508. The examiner can normally be reached on Monday-Thursday 7:30AM-5:00PM and every other Friday from 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J DiGiovanni/
Examiner, Art Unit 2461

/Huy D Vu/

Supervisory Patent Examiner, Art Unit 2461